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BEFORE THE
Federal Communications Commission
WASHINGTON, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Biennial Regulatory Review — Amendment of)
Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97,)
and 101 of the Commission's Rules to Facilitate)
the Development and Use of the Universal Li-)
censing System in the Wireless Telecommunica-)
tions Services)

WT Docket No. 98-20

Amendment of the Amateur Service Rules to)
Authorize Visiting Foreign Amateur Operators to)
Operate Stations in the United States)

WT Docket 98-188

To: The Commission

**COMMENTS OF U S WEST COMMUNICATIONS, INC.
IN SUPPORT OF PETITIONS FOR RECONSIDERATION**

Pursuant to Section 1.429 of the Commission's rules, 47 C.F.R. § 1.429,

U S WEST Communications, Inc. ("U S WEST") submits the following comments in support of the petitions for reconsideration filed by Comsearch and the National Spectrum Managers Association in the above-referenced docket to the extent described herein.

U S WEST is a provider of local exchange telephone services to millions of customers within a fourteen state region located primarily in the western and northwestern United States. In connection with its service offerings, U S WEST is the licensee of numerous point-to-point microwave radio facilities that may be negatively impacted by the Commission's streamlined licensing procedures adopted in the Universal Licensing

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System (“ULS”) *Report and Order*.¹ Thus, U S WEST has a direct interest in the outcome of this proceeding.

I. BACKGROUND

On October 21, 1998, the Commission released its *Report and Order* in WT Docket No. 98-20 implementing streamlined license application processing rules and procedures designed to facilitate the Commission’s transition to the ULS. The ULS is a new, interactive licensing system developed by the Wireless Telecommunications Bureau to consolidate and replace eleven existing licensing systems used to process applications and grant licenses in numerous wireless radio services. In order to implement ULS, and consistent with its biennial regulatory review of regulations, the Commission adopted a significant number of rule changes designed to streamline and unify its various wireless license application filing rules and processing procedures.

Included among these changes was the Commission’s decision to adopt a uniform Part 1 rule section delineating between major and minor changes to pending applications and existing facilities.² As Comsearch and the National Spectrum Managers Association (“NSMA”) note, however, the Commission’s decision to consolidate its major/minor change criteria seriously compromises the ability of frequency coordinators to identify

¹ Biennial Regulatory Review — Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101 of the Commission’s Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services, Amendment of the Amateur Service Rules to Authorize Visiting Foreign Amateur Operators to Operate Stations in the United States, WT Dockets 98-20, 98-188, FCC 98-234, *Report and Order* (rel. Oct. 21, 1998).

² 47 C.F.R. § 1.929.

and prevent potential instances of harmful electrical interference before they occur, and thus increases the likelihood of actual interference to incumbent licensees.

II. THE COMMISSION MUST REQUIRE FREQUENCY COORDINATION FOR ALL CHANGES BY PART 101 APPLICANTS AND LICENSEES THAT POTENTIALLY MAY CAUSE HARMFUL INTERFERENCE

U S WEST supports Comsearch's position that "[t]he Commission should restore the principle that frequency coordination is required for 'any changes or combination of changes which would cause harmful electrical interference to an authorized facility'"³ Under the Commission's new rules, frequency coordination is only required for major changes, and not for newly-defined "minor" changes.⁴ As Comsearch points out, however: "[a]t least four types of amendment and modification classed as minor [under the new rules] can introduce significant interference among point-to-point facilities."⁵ These minor changes include: location changes of 5 seconds or less in latitude and longitude; antenna changes that do not increase beamwidth; azimuth changes of 1 degree or less; and reductions in bandwidth.⁶ Under the new rules these "minor" changes will not require advance frequency coordination and notice to affected parties, but will instead simply require notification to the Commission within 30 days of imple-

³ 47 C.F.R. § 101.29(c)(1)(viii) (superseded by 47 C.F.R. § 1.927).

⁴ 47 C.F.R. § 101.103(d)(1).

⁵ Comsearch, Petition for Partial Reconsideration at 4.

⁶ *Id.* at 4-5.

mentation.⁷ Unless Section 101.103 is revised to require prior coordination, affected licensees and frequency coordinators will have no advance opportunity to prevent harmful interference caused by “minor” changes before they result in actual interference.

In addition, the new major/minor classification criteria, by eliminating the ability of coordinators to analyze such changes in advance, will also seriously compromise the accuracy of the coordinators’ existing database records. As the National Spectrum Managers Association (“NSMA”) notes:

Interference studies evaluate interference to and from a user based upon information available in the [frequency coordinators’] databases. Without reliable technical information in the databases, these studies are meaningless. Under these circumstances, operation by users that make “minor” technical changes without frequency coordination can destroy interference-free operation, strain spectrum efficiency, and corrupt databases making spectrum studies pointless. Thus, efficient spectrum usage, supported by expansive, rather than limited, frequency coordination requirements, is an absolute necessity.⁸

Obviously, frequency coordinators and licensees will not be able to identify in advance, and prevent, instances of potentially harmful interference resulting from “minor” facilities changes if such changes are allowed before notification to the Commission or the coordinator is made. In this respect, requiring prior frequency coordination has cognizable public interest benefits; not only are licensees afforded a reasonable expectation of interference-free operations, but disputes between licensees on matters

⁷ 47 C.F.R. § 1.947(b).

⁸ National Spectrum Managers Association, Petition for Reconsideration at 7 (citations omitted).

involving interference that might otherwise require Commission adjudication are largely avoided.

III. CONCLUSION

For the reasons discussed herein, U S WEST supports the petitions for reconsideration filed by Comsearch and the NSMA and urges the Commission to revise Section 101.103(d)(1) of its rules to again require prior frequency coordination with all parties potentially affected by any major or minor change to proposed or existing point-to-point microwave radio facilities.

Respectfully submitted,

U S WEST Communications, Inc.

A handwritten signature in black ink, appearing to read "Jeffry A. Brueggeman", with a stylized flourish at the end.

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February 24, 1999

CERTIFICATE OF SERVICE

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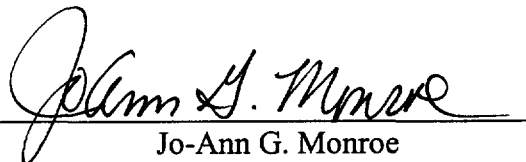
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